#### ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007 PHONE (602) 364-1PET (1738) FAX (602) 364-1039 VETBOARD.AZ.GOV

## **COMPLAINT INVESTIGATION FORM**

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

#### PLEASE PRINT OR TYPE

	<u>FOR OFFICE USE ONLY</u>
	Date Received: Feb. 22, 2018) Case Number: 18 - 80
۱.	THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:
	Name of Veterinarian/CVT: MANA ZAYAS, DVM  Premise Name: Low Cost Spay ENEUTER CLINIC  Premise Address: 1707 E. ANOY OBVINE
	City: KINGMAN State: AZ Zip Code:
3.	INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:
	Name: DAVID P. LITCHIE Address:
	City: Zip Code:
	Home Telephone: Same AS Home

\*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

FEB 2 2 2018

BV

C.	PATIENT INFORMATION (1):
	Name: MAUT
	Breed/Species: MALE, OPANGE ENHITE TABBY
	Age: 6 WEEKS Sex: MALE Color: PANGE EWHITE TARRY
	G1.11 lbs.
	PATIENT INFORMATION (2):
	Name:
	Breed/Species:
	Age: Sex: Color:
D.	VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:
	Please provide the name, address and phone number for each veterinarian.
7	& LOW OUST SPAY ENTERED BRUTALLY HENTERED MY MAU!
	AT JUST 6 WEEKS & 1.11 POUNDS - WHEN HE WAS VERY SICK
	A VICIATES ON VETERILATION PROTOCOL & MEDICAL ETHICS
	A TRACTOSO TENDER LOURG CATE VET SERVICES HAD A HAND IN THIS OO IT SHADED WITH THEM WITHIN THE WAYS
	SHAW THE HITW COUNTY THOW WITHIN WHILL
E. \	WITNESS INFORMATION: \$ CLESSED DOORS OF BULLHEAD ANTIMAL SHELTER.  Please provide the name, address and phone number of each witness that has
	direct knowledge regarding this case.
ا	A DOCADE ANTIA GREENE OF STIRT MOUNTAIN ANIMAL
7	HOSPITAL SHABED TREATING MY MANITUST (4) DAYS AFTER
	LOW COST SPAY EVENTER ALMOST KINED MY MAUI
<b>_</b> #	h (1) was a constant BY another GREEN and the 26-2017 with A HERV
• •	(2) MANIL AS WELL ON JAN . 2 - 2018 - DIAGNOSTO, WITH A VERY SERIOUS Affectation of Person Requesting Investigation
4	(2) MANILAS WELL ON JAN . 2-2018 - CIAGNOSTO WITH A VETEX SERIOUS
	Attestation of Person Requesting Investigation
•	signing this form, I declare that the information contained herein is true accurate to the best of my knowledge. Further, I authorize the release of
	and all medical records or information necessary to complete the
	estigation of this case.
	Signature:
	Date: 2-21-2018
	Date: 2-21-2010

#### F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

Thet You oooTRAY

#### **Copy Center**

From:

David Litchie 4

Sent: To: Thursday, February 22, 2018 10:58 AM copycenter@firstofficesource.com

Subject:

MYMAUI'S STORY!!!

\* ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD \*

- \* LOW COST SPAY & NEUTER CLINIC IN KINGMAN , ARIZONA
- \* 1707 E. Andy Devine
- \* 928 692 5226
- \* Specifically " Mana Zaya's DVM "
- \* As well as MY M A U I being very very ill with a more than serious Upper Respiratory "VIRAL INFECTION"
  They were well aware that MY M A U I was in fact sick ... It was even brought to their more than inept attention by me a couple of times and then to have them actually deny "MANA ZAYA'S "When I called to simply and as trying to keep and hold onto my composure asked questions of why would even consider neutering a 6 week old & 1.11 pound tiny kitten as well as very ill

The way I was treated immediately was so far from acceptable because I was more than concerned that MY M A U I was even going to survive what they brutally did to a tiny kitten !!! It's absolutely unconscionable in every way imaginable and is a \* COMPLETE AND TOTAL DISREGARD AND A BLATANT VIOLATION OF ALL VETERINARIAN PROTOCOL AND MEDICAL ETHICS !!!

This cannot continue to happen to absolutely defenseless animals and they so arrogantly in the most unbelievable condescending way feel and even believe they did the right thing !!! MANA ZAYA'S DVM NEEDS TO BE ADMONISHED IN EVERY WAY ALONG WITH HER BOSS THAT OBVIOUSLY APPROVES OF WHT THEY DO BEHIND CLOSED DOORS TO HUNDREDS OF DEFENSELESS ANIMALS 7 DAYS A WEEK ... 365 DAYS A YEAR WITH ABSOLUTELY NO REGARD OR RESPECT FOR ANIMALS AT ALL AND ESPECIALLY FOR MY M A U I !!!

You have a letter from a wonderful young lady that worked their until she could not take what she was dealing with every day seeing animals being abused and performing 40 to 50 surgeries per day that is absolutely unheard by the more than 30 Veterinarians I have spoken with that were more than horrified this is going on every single day of the year !!!

MANA ZAYA'S spoke down to me and spouted off telling me that I did not know what I was talking about and to shut up and hung up on me . I called

back and she was even more condescending and I asked to speak with her boss Doctor Williams that is the so called Cornell University ... College of Veterinary School ... Supposed to be the most highly regarded Veterinarian School in the entire Country if not The World .....

When I called Cornell University and informed them of what one of their so called Graduates did to ... MY M A U I ... THEY WERE HORRIFIED AS WELL THAT MAUI WAS JUST 6 WEEKS OLD AND A TINY 1.11 POUNDS !!!

Tracy ..... Something needs to be done to stop what is going on behind closed doors at The Low Cost Spay & Neuter Clinic in Kingman ,AZ.

As well as what goes on behind closed doors at The Bullhead City Shelter and as well at the hands of Tender Loving Care Veterinarian Services that works within the walls and behind closed doors the first and last Thursday of every single month that was supposed to examine MY M A U I ... on Thursday

December 21st 2017 before being transported to Low Cost Spay & Neuter in

Kingman ,AZ.

- \* THEY KNEW VERY WELL THAT MY M A U I WAS VERY VERY SICK BUT THEY ARE DENYING ALL OF MY ALLEGATIONS .... OF COURSE TO PROTECT THEMSELVES AND THE BULLHEAD CITY POLICE DEPARTMENT THAT MANAGES AND CONTROLS THE ANIMAL SHELTER
- \* My quote that is going VIRAL !!!
- " If they could only talk ... I truly wonder what they would say goes on behind closed doors !!! "

But sadly they can't speak so I am speaking up for them and MY M A U I !!!

- " Dogs & Cats will forget what you said !!! "
- " Dogs & Cats will forget what you did !!! "
- " BUT DOGS & CATS WILL NEVER FORGET HOW YOU MADE THEM FEEL !!! "

More than Sincerely with deep love and compassion for MY M A U I !!!

- \* Please note \*
- \* Doctor Anita Greene of Spirit Mountain Animal Hospital is the more than very accredited Veterinarian that examined and diagnosed MY M A U I on December 26 th 2017 \* With a more than serious "UPPER RESPIRATORY VIRAL INFECTION" That she sadly as well as being very angry !!! informed me that

MY M A U I .... Most definitely had prior to December 21st 2017 and because he was so ill that he should have never been neutered or given any vaccinations let alone being brutally neutered at just 6 weeks old and a tiny 1.11 pounds .... She informed me as well that MY M A U I due to being so sick that his tiny bodies temperature dropped dangerously low during surgery and that he may very well get pneumonia!!! and he may die.

She advised me to take MY M A U I home and keep him very warm and make sure he is eating and drinking water and going potty .... He proceeded to become even sicker have minor convulsions and wheezing badly !!!! I was scared to death for MY BABY M A U I and if this wasn't bad enough for a tiny baby he broke out with serious LESIONS on the top of his tiny nose

and chin on December 30th just before NEW YEARS 2018 so I had to wait until Tuesday

January 2nd the day after NEW YEARS to rush MY M A U I back into see Doctor Greene .... She was so upset .... She said oh my God .... David I am 99.9% sure M A U I has a serious case of RING WORM DISEASE !!! and she informed me that RING WORM DISEASE IS HIGHLY CONTAGIOUS TO HUMANS AND BECAUSE ....

MY M A U I had been so sick I was extremely close with him since December 22nd when I first brought him home and she was more than concerned that I was going to be inflicted with RING WORM DISEASE AS WELL .....

#### I have it on both hands !!!

Doctor Greene had to scrape MY M A U I'S TINY NOSE and do a culture to verify her diagnosis ... She informed me that the culture takes 10 to 14 days to grow ..... she said do not let him sleep with you ... Put him in his soft kennel I had purchased to just transport him .... He now had to sleep in this small kennel "JAIL" To say the least MY M A U I hated it ... cried like a baby tiger .... until he got so tired he passed out and was up at 4:30am every morning .... impacting me greatly .... just recovering from CANCER .... SO MUCH FUN!!! BUT SERIOUSLY TO HELL WITH ME MY BABY WAS NOT DOING WELL AT ALL AND DOCTOR GREENE TOLD ME SHE DIDN'T KNOW IF MY M A U I WAS GOING TO PULL THROUGH!!!

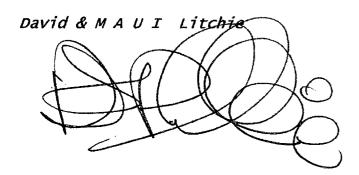
I then received an urgent phone call on JAN. 5TH 2018 ... FROM DOCTOR GREENE INFORMING ME THE RING WORM CULTURE HAD COME BACK VERY EARLY WHICH MEANT THE RING WORM WAS MORE THA SERIOUS AND TI BE VERY CAREFUL AND THAT I HAD TO GIVE M A U I DIP BATHS WITH SOMETHING THAT SMELT LIKE ROTTEN EGGS .... SO MUCH FUN .... 3 TIMES A WEEK AND NOW 66 DAYS LATER MY M A U I IS STILL INFECTED WITH RING WORM DISEASE .... DOCTOR GREENE SAID THIS MAY GO ON FOR A FEW MORE WEEKS !!!!

THESE PEOPLE THAT CAUSED THIS MUST BE STOPPED SOONER THAN LATER !!!!

PLEASE TRACY .... I IMPLORE YOU TO DO A FULL AND FORMAL UN ANNOUNCED INVESTIGATION OF WHAT GOES ON BEHIND CLOSED DOORS AT LOW COST SPAY & NEUTER AS WELL AS THE BULLHEAD CITY ANIMAL SHELTER !!!!

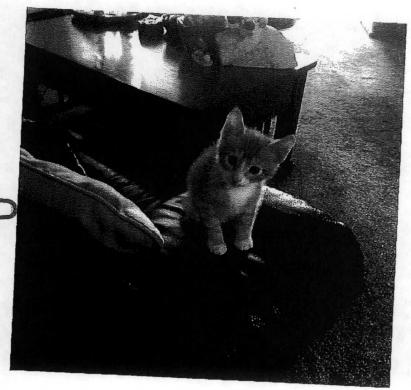
IT HAS TO STOP !!!!!!

Thank you very much Tracy ......



DECEMBER 22ND. 2017"

MAUI 000 THE FIRST DAY AT HIS NEW FORDIER HOME 6 WEEKS & 1.11 POUNDS



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VERY SICK WIT

\* MAUI WITH LESIONS THAT

PROJE OUT DELINES 29-2017

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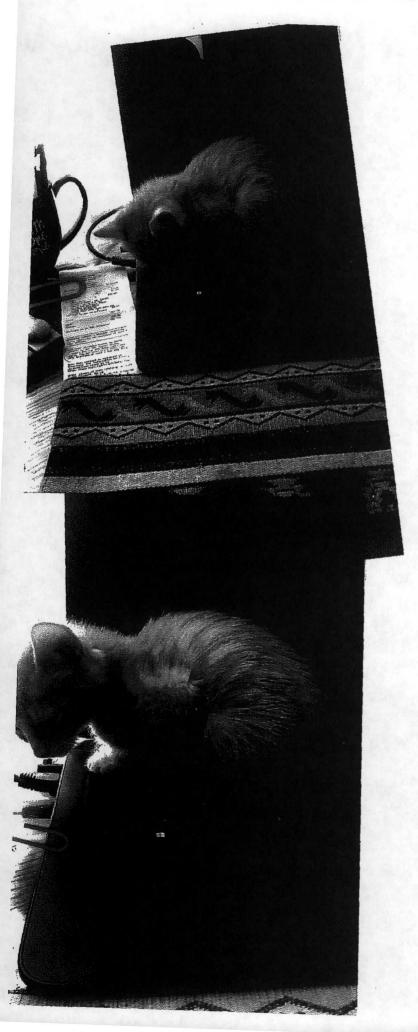
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ON'CEZ. 29-2017"
THROUGH THE FOLLOWINGS
WEEK BEFORE
NEW YEARS 2018

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OF SPIPIT MOUNTAIN
ANIMAL HOSPITAL
INFORMED ME TO
BE AWARE OF
THE HAPPENING DOO

MAR 1 4 2018
BY:



To Whom It May Concern:

Below is written account of case 18-80 to the best of my knowledge.

On 12/21/17 both Dr. Williams and myself were working at the clinic and spent the morning doing check in examinations for surgery patients for the day. We had both client owned patients in addition to animals dropped off by Bullhead Animal Health and Welfare. We have an agreement with Bullhead in that they transport shelter animals that need to be spayed or neutered, usually having been adopted already, to us. They typically drop of around 8 AM, placing them in kennels until we can fill out their surgical record information and examine them. On the day in question both Dr. Williams and I were examining the animals from Bullhead, which included patient 26012, now known as Maui. He came with a signed Adoption Agreement from Bullhead which included but was not limited to, signing to the knowledge that "I understand that this shelter has no veterinarian on staff and that there is no guarantee of the health of any animal that is adopted" and "I understand that if a procedure or vaccination is not necessary at this time that it is imperative that I make an appointment for my new pet with a veterinarian as soon as possible to check my pet's health. An examination can provide me with valuable information regarding warning signs of illness. I further understand, as with any new pet, the possibility of the pet's exposure to diseases may not show symptoms for several weeks. Some of these diseases may be transmittable to other pets or people in my household." Mr. Litchie signed to the above within his adoption agreement that is also titled the Spay & Neuter Certificate and was fully informed that he was consenting to surgery for his kitten whom he already knew was under 6 months old and very small. He did not express any concerns with his kitten going for surgery at the time of signing to my knowledge.

Maui presented from Bullhead as a 12 week old orange tabby intact kitten. I examined him myself and evaluated him as a healthy kitten with no signs of illness. I did however note that he was not 12 weeks of age and estimated him to be closer to 6 weeks of age. He presented with a male sibling from the same litter who was also examined and evaluated around 6 weeks old and apparently healthy. Maui was originally assigned a pain medication injection for after surgery that I cancelled for him based on his age. I did note that Maui was under two pounds, our preferred weight for client owned animals to achieve before surgery. In this case I determined that due to his apparently healthy status, the fact that he was only a few ounces shy of 2 lbs, knowing that I was comfortable with pediatric cat neuters of this size based on my experience in the field, and the knowledge that if we did not do his surgery that day he would have to wait in the shelter exposed to pathogens for a week before he could represent for surgery and go home (which can sometimes result in the animal being euthanized if they become sick during this time), and approved him for surgery. I did arrange for Maui to be given our safest anesthetic

protocol (ket/med) that does not incur an extra charge and is considered the gold standard anesthetic protocol for small mammals including exotics. This is not the default anesthetic protocol used and was done in the interest of my patient due to his size and a history of doing better with this anesthetic in our orange cats. He was intubated and maintained on isoflurane gas anesthetic for the entirety of his procedure, monitored with a pulse oximeter and had a TPR taken every 5 minutes of the procedure by the anesthesia technician that day. His procedure took approximately four minutes and no complications were noted throughout the procedure or his recovery. He was given karo syrup on his gums during recovery and offered food as soon as he was awake and alert enough to eat safely as part of our pediatric surgical protocol. Maui and the rest of the animals transported to the clinic by Bullhead were kept at the clinic overnight for observation, was given an examination again in the morning, and then discharged to Bullhead the following morning. At no time throughout the procedure, recovery, throughout the afternoon, or in the morning during his discharge examination by the technicians, did Maui present any signs of illness.

It has since come to my attention that Maui was later diagnosed with an upper respiratory infection and ringworm. Both of these are diseases endemic to shelter situations. The respiratory disease complex that includes the herpes virus Maui was diagnosed with is almost impossible for cats to escape throughout their lifetime and a vast majority of cats also test positive for the herpes virus since it stays with them for life. While Maui was in our care he exhibited no symptoms of an upper respiratory infection but would have already been exposed at the shelter as most cats are. His brother would also have been exposed and to my knowledge did not get sick to the level that Maui did. In a small kitten these diseases can be very dangerous and onset can be very quick. It is for these reasons that the Bullhead shelter recommends bringing pets to a veterinarian as soon as possible after adoption. We did receive notice from Bullhead that the owner of Maui was upset that his kitten was showing signs of an upper respiratory infection after adoption. I asked that Mr. Litchie bring Maui to the clinic so that we could examine him and dispense medication as needed. When he refused I also offered that BAHW could transport the kitten free of charge and I could examine Maui free of charge, which he also refused. He demanded that he be given antibiotics and although I insisted that without an examination I could not be sure if he was receiving the appropriate treatment, based on the endemic nature of URIs in shelters and having seen the kitten recently I dispensed antibiotics to BAHW to bring back to Bullhead to give to Mr. Litchie since he was very upset. At this time there was no report of ringworm nor had we seen any indication of it at the time of his examination, but fungal infections can take time to cause hair loss and become evident, in addition to taking a month or longer typically to treat.

After the new year I came to work January 3<sup>rd</sup> at which time Dr. Williams was not working due to a health emergency with her husband. She informed me that there was a client with a kitten from Bullhead that I had previously needed to prescribe antibiotics to that wanted to speak with us because his animal had become very ill and he believed it was our fault. He had left a voicemail January 2<sup>nd</sup>, 2018 around 10:46 AM and was very upset. I have checked our phone call log for the days in question and below is an account of the phone conversations to the best of my knowledge.

On Jaunary 3<sup>rd</sup>, 2018 Mr. Litchie left an additional voicemail at 8:17 AM while I was finishing pre-surgery examinations for the day. When I was finished I stepped into the office and called Mr. Litchie, it was 9:36 AM. We spoke for just under 5 minutes. During this time Mr. Litchie outlined his concerns that Maui

weighed only 1 pound 1 ounce and should never have undergone surgery, that he had been sick and we did surgery anyways, and that in doing so we had nearly killed his kitten, were practicing unethical medicine, and expressed an interest in having ourselves and the Bullhead shelter permanently closed. I spoke to Mr. Litchie about Maui's weight actually being 1 pound, 11 ounces, which is only a few ounces shy of the 2 pounds we require client owned animals to be before surgery. I explained that in the case of the shelter animals who require a spay or neuter before they can go home to their adopters if intact, that in such a short and simple procedure, in our clinic trained in pediatric surgical procedures we do permit a surgery of that nature. I tried to explain that this decision also fits within the guidelines for Shelter Animal Medicine and that extra care was also taken during his procedure based on his age, size, and coat color. I tried to explain that he did not seem in any way ill while he was with us and that if he had we would have called him to check if he wanted us to proceed with the procedure or wait a week, knowing the risks of sending him to spend an additional week at a shelter with no veterinarian at his age. When I reached the point of the conversation explaining that no inappropriate anesthetics had been chosen for Maui as he insisted had been done, Mr. Litchie decided to cut me off, insist that he would get the clinic shut down, and proceeded to hang up on me. In Mr. Litchie's account of this morning he says that he called back and spoke to me a second time that morning but as the attached phone call log shows, there was no second conversation at this time although there is a missed call from him at 11:02 that morning at which time he left a voicemail just under 2 minutes long. Dr. Williams did arrive at the clinic later that morning and based on the nature of the phone call I updated her about the call and recommended that she speak to him, warning her that he was upset and combative but might respond better to the practice owner. That afternoon she attempted to call him twice around 3 pm. He called the clinic back 3 times between 4:15 and 5:45, all of which calls we missed. Dr. Williams was able to try again the morning of January  $4^{th}$  at 7:56 am and spoke to Mr. Litchie for 16 minutes. I was not present during this phone call but my understanding was that it had gone slightly better in that coincidentally the health issue Dr. Williams's husband had experienced was also one Mr. Litchie had also. Ultimately, I understand that Mr. Litchie insisted that he was going to report the clinic and the shelter and try to get us closed.

Since that time I had not heard anything from or about Mr. Litchie until receiving notice of an investigation into the case by the Arizona State Veterinary Medical Examining Board. I have attached all records we have for Maui, the phone call log for the relevant days in January with the relevant phone calls highlighted, relevant testimonials by Dr. Williams and BAHW, and my above testimonial which is accurate to the best of my knowledge. Some inaccuracies as I see it that I would like to outline from Mr. Litchie's account include:

My name is Maria Zayas, not Mana Zaya

Dr. Williams was present the day of Maui's surgery

Maui's neuter was done under general anesthesia and was checked for a palpebral reflex, which was negative, indicating that he was at an appropriate plane of anesthesia during his procedure and would not in my opinion be characterized as brutal

There was no communication between myself, Dr. Williams, or the clinic and Mr. Litchie in any way prior to Maui's procedure.

We are not open nor doing procedures on animal 7 days a week, we are open typically from Monday-Friday, and are also closed for certain holidays. The entire clinic was closed recently for 2 days to allow the entire clinic staff including technicians attend a conference for continuing education.

It is not abnormal for spay/neuter clinics around the country or world to perform upwards of 40 surgeries per doctor in a day.

I am aware that this is he said/she said, but I would like to state that at no time did I tell Mr. Litchie to "shut up" nor have I ever spoken to a client in that fashion. I did my utmost to be patient with Mr. Litchie's concerns on the phone and apologize for any miscommunication on my part that may have led him to believe that I did not take his concerns seriously. I tried to address his issues one at a time and give them all of my time and attention. This was limited by Mr. Litchie's use of profane language, combativeness, and he did ultimately hang up on me rather than the other way around. As the phone log shows Mr. Litchie did not call back and speak with me again that morning although he did speak to Dr. Williams the following morning. I hope that the trend of trying to call him back and reengage the conversation speaks to the idea that we were not dismissing Mr. Litchie and does not fit a narrative in which I would hang up on him.

At no time did anyone at Low Cost Spay/Neuter administer a vaccine to Maui.

In my professional opinion 66 days is not an uncommon length of time necessary to treat ringworm. Minimum treatment length is a month and can be followed by several weeks more on a case by case basis.

I sincerely apologize to Mr. Litchie for the hardships he has undergone in treating his kitten. His love and care for a sick animal so recently in his care that he chose to keep and treat despite significant personal risk in doing so rather than returning the kitten to the shelter is commendable. I do no underappreciate his sacrifices and am deeply sorry for his experience adopting from a shelter. Unfortunately part of adopting these animals can include adopting them in less than fully healthy conditions but I do believe that all precautions were taken to try and treat Maui while in our care to the best of our abilities utilizing all the knowledge that we had. I hope that Maui continues to improve and can be given a clean bill of health very soon.

Sincerely,

Maria Zayas, DVM

Maria Jayas

# Douglas A. Ducey - Governor -



## VICTORIA WHITMORE - EXECUTIVE DIRECTOR -

#### ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS STREET, STE. 4600, PHOENIX, ARIZONA 85007 PHONE (602) 364-1-PET (1738) • FAX (602) 364-1039 VETBOARD.AZ.GOV

### **INVESTIGATIVE COMMITTEE REPORT**

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Donald Noah, D.V.M. - Chair - Absent

Amrit Rai, D.V.M.

Adam Almaraz - Acting Chair Christine Butkiewicz, D.V.M.

Tamara Murphy

**STAFF PRESENT:** Tracy A. Riendeau, CVT - Investigations

Victoria Whitmore, Executive Director Sunita Krishna, Assistant Attorney General

**RE:** Case: 18-80

Complainant(s): David Litchie

Respondent(s): Maria Zayas, DVM (License: 6946)

#### SUMMARY:

Complaint Received at Board Office: 2/22/18

Committee Discussion: 6/5/18

Board IIR: 8/15/18

#### **APPLICABLE STATUTES AND RULES:**

Laws as Amended July 2014

(Salmon); Rules as Revised September

2013 (Yellow)

On December 21, 2017, "Maui," a 6-week-old male domestic short hair cat was presented to Respondent for a neuter procedure. The following day the cat was brought back to Bureau of Animal Care and Welfare to be reunited with Complainant.

Within the next day or two, the cat began to shows signs of an upper respiratory infection and Respondent dispensed Clavamox.

On December 27, 2017, the cat was presented to Spirit Mountain Animal Hospital with upper respiratory symptoms. It was recommended to continue Clavamox and keep cat clean.

On January 2, 2018, the cat was re-presented to Spirit Mountain Animal Hospital with lesions on his face that were eventually diagnosed with ringworm.

Complainant contends Respondent was negligent in the care of the cat by neutering an underweight, young kitten with an upper respiratory infection.

Complainant was noticed and appeared telephonically. Respondent was present and appeared telephonically.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: David Litchie
- Respondent(s) narrative/medical record: Maria Zayas, DVM
- Consulting veterinarian(s) narrative/medical record: Anita Greene, DVM Spirit Mtn Animal Hospital

#### PROPOSED 'FINDINGS of FACT':

- 1. On December 21, 2017, the cat was presented to Respondent for a neuter procedure after being adopted by Complainant at Bureau of Animal Care and Welfare (BACW). BACW brought the cat to Respondent due to the contractual agreement that the cat had to be altered before being released to Complainant.
- 2. According to Respondent, the cat presented to her as a 12-week-old orange tabby intact male. She examined the kitten and found him healthy with no signs of illness but estimated his age to be closer to 6 weeks. Upon exam, the cat had a weight = 1.11 pounds, a temperature = 98.6 degrees, a heart rate = 170bpm and a respiration rate = 50rpm; no abnormalities noted. Respondent stated that due to the kitten's age she cancelled the post-surgery pain injection. She did note that the kitten was under 2 pounds, the preferred weight minimum. Since the cat was only a few ounces shy of 2 pounds, his apparent healthy status, and her comfort with pediatric cat neuters of this size, she elected to move forward with the neuter procedure. If the procedure was not done that day, the cat would have to wait at the shelter exposed to pathogens for a week before he could re-present for surgery and go home. Respondent stated that she gave a safe anesthetic for small animals based on the interest of the cat due to his size and the fact he was an orange cat.
- 3. The cat was administered buprenorphine 0.6mg/mL, 0.02cc IM, induced with ketamine/medetomidine 5mg/mL, 0.05cc IV, and intubated and placed on isoflurane. Respondent neutered the cat; the procedure took approximately 5 minutes. The cat recovered, had karo syrup rubbed on his gums and offered food as soon as he was awake as part of the pediatric surgical protocol. The cat was kept at Respondent's premise overnight. The following morning BACW picked up the cat along with other pets to be transported back to the shelter. At no time during the procedure, recovery, or in the morning during the cat's discharge examination by the technicians, did the cat show signs of illness.
- 4. Respondent received notice that the kitten was showing signs of an upper respiratory infection; she requested Complainant to bring the cat to the clinic so she could examine him and dispense medication as needed. Complainant refused therefore Respondent offered to have BACW transport the cat to her and she would examine him for free; again Complainant declined. Complainant was insistent on Respondent dispensing medications Respondent attempted to explain that without an exam, she could not be sure if the cat was receiving the appropriate treatment. Based on the endemic nature of upper respiratory infections in shelters and having seen the kitten recently, she dispensed the antibiotics to BACW to bring to Complainant since he was very upset. The medications dispensed were not documented in the medical record.

- 5. On December 27, 2017, the cat was presented to Dr. Greene at Spirit Mountain Animal Hospital with complaints of sneezing, watery eyes and some non-productive coughing after having been neutered. The cat had been prescribed Clavamox suspension but Complainant had not started it yet. Dr. Greene examined the cat and found bilateral serous ocular and nasal discharge and sneezing. The lungs were clear; FeLV/FIV test was negative and Complainant declined further testing at that time. Dr. Greene diagnosed the cat with an upper respiratory infection and recommended starting the previously prescribed Clavamox and have the kitten rechecked if symptoms persisted or worsened for additional treatment and testing. Complainant was instructed to keep the cat's nose clean and put a vaporizer in the room with the cat.
- 6. On December 28th and 29th, Complainant reported to Dr. Greene that although the cat was sneezing more and slightly wheezing, he still was eating and drinking.
- 7. On January 2, 2018, the cat was presented to Dr. Greene for a recheck. Complainant had noticed the cat's nose was swollen and black spots under his eyes he had discontinued the Clavamox due to possible allergic reaction. Dr. Greene examined the cat and noted bilateral serous ocular and nasal discharge but lungs were clear. The kitten was now exhibiting three crusty hyperemic lesions on his face. A skin scrape was performed (no mites seen) and a fungal culture was prepared. Due to Dr. Greene's suspicions of dermatophytosis lym sulfur dips were prescribed twice a week. Complainant was warned of risk of contagion. The antibiotic was changed to azithromycin suspension and a recheck was recommended in two weeks.
- 8. Complainant reported to Dr. Greene that the cat continued to improve but would have some occasional labored breathing.
- 9. On February 7, 2018, the cat presented to Dr. Greene Complainant reported that the respiratory abnormalities had resolved. The cat's skin was improving, hair was regrowing and no new lesions were noted and the existing lesions had diminished in size. The cat was vaccinated and Complainant was instructed to continue with lym sulfur dips.
- 10. On March 3, 2018, the cat again was presented to Dr. Greene for a recheck. All skin lesions and respiratory issues ad resolved. The cat was vaccinated and discharged.
- 11. Complainant expressed concerns that Respondent neutered the kitten when he was young, underweight and had an upper respiratory infection.

#### **COMMITTEE DISCUSSION:**

The Committee discussed that after reviewing the case and knowing how shelter medicine works, there is a high chance of cats getting an endemic upper respiratory infection, they felt Respondent's care and treatment of the cat was appropriate.

Complainant was given antibiotics when the cat began showing symptoms which was supported by Dr. Greene at Spirit Mountain Animal Hospital.

#### COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

#### COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

**Vote:** The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

Tracy A. Riendeau, CVT Investigative Division